

Appl. No. : 10/009,851
Filed : November 6, 2001

REMARKS

In the Office Action mailed September 16, 2004, the Examiner rejected all pending claims, Claims 34-41 and 48. In the present Amendment and Response to Office Action, Applicants have amended independent Claims 34 and 48. Applicants respectfully request entry of the amendments and full consideration of the remarks contained herein.

Amendments to the Claims

Applicants have amended the claims to further clarify the subject matter that Applicants regard as the invention. For example, independent Claim 34 has been amended to recite that the “a separation between said top and bottom sections at a location of the ring during the thermal treatment essentially corresponds to a thickness of said ring.” Applicants have also amended independent Claim 48 to recite that “the thermal treatment chamber is configured to accommodate said ring surrounding the wafer *with a distance between said top and bottom sections at a location of the ring during the thermal treatment essentially corresponding to a thickness of said ring.*” (emphasis added). Support for these amendments can be found in the Application as originally filed. *See, e.g.*, the Application, p. 4, as originally filed.

In addition, as suggested by the Examiner, independent Claim 48 has been amended to state that “said installation/ring combination is configured and operable to move the wafer/ring combination from the loading chamber into the thermal treatment chamber and vice versa.”

Applicants respectfully submit that the amendments add no new matter and are fully supported by the application as originally filed.

Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claim 48 as being anticipated by Murdoch (EP 0 405 301 A2) or Wantanabe *et al.* (U.S. Patent No. 6,462,411).

Applicants respectfully submit that the claims, as amended herewith, distinguish the art of record.

Initially, Applicants note that independent Claim 48 now recites that the “the thermal treatment chamber is configured to accommodate said ring surrounding the wafer with a *distance* between said top and bottom sections at a location of the ring during the thermal treatment essentially corresponding to a *thickness* of said ring.” (emphasis added).

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In contrast, neither Murdoch nor Wantanabe *et al.* disclose such a spacing of chamber sections. Rather, both Murdoch and Wantanabe *et al.* disclose chambers in which at least one of the upper and lower parts are relatively widely spaced from the ring. *See, e.g.*, Murdoch, Figure 18, and Wantanabe *et al.*, Figures 4 and 16. Neither reference discloses a chamber “configured to accommodate said ring surrounding the wafer with a distance between said top and bottom sections at a location of the ring during the thermal treatment essentially corresponding to a thickness of said ring,” as recited by Claim 48. As such, Applicants respectfully submit that Claim 48 is not anticipated by Murdoch or Wantanabe *et al.*

Rejection Under 35 U.S.C. § 103

The Examiner has rejected Claims 34-41 and 48 as being unpatentable over either Murdoch or Wantanabe *et al.* in view of Kuznetsov *et al.* (U.S. Patent No. 6,719,499) or Kuznetsov *et al.* (U.S. Patent No. 6,329,304). The Examiner stated that Murdoch and Wantanabe *et al.* teach all the features of Claims 34-41 and 48, except for a floating means. The Kuznetsov *et al.* patents are asserted to satisfy this deficiency.

Applicants note that independent Claim 34 has been amended to recite that “a separation between said top and bottom sections at a location of the ring during the thermal treatment essentially corresponds to a thickness of said ring.” As discussed above, independent Claim 48 has also been amended and now recites that the “thermal treatment chamber is configured to accommodate said ring surrounding the wafer with a distance between said top and bottom sections at a location of the ring during the thermal treatment essentially corresponding to a thickness of said ring.” As also discussed above, Applicants submit that neither Murdoch nor Wantanabe *et al.* disclose a chamber having top and bottom sections with Applicants’ recited separation or distance. Consequently, in view of the amendments to Claims 34 and 48 and the remarks above, Applicants respectfully submit that the rejections of these claims for obviousness are moot. Moreover, Applicants submit that Claims 34 and 48 are non-obvious over the art of record, as the art of record does not teach or suggest, *inter alia*, Applicants’ recited separation or distance between top and bottom sections.

Applicants also note for completeness that Kuznetsov *et al.* (U.S. Patent No. 6,719,499) is not available as prior art against the present Application. The present Application has a priority date of at least May 8, 2000, while Kuznetsov *et al.* (U.S. Patent No. 6,719,499) has a 35

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U.S.C. § 371 (c)(1), (2), (4) date of October 9, 2001. As a result, Applicants submit that Kuznetsov *et al.* (U.S. Patent No. 6,719,499) does not qualify as prior art in the present case. *See, e.g.*, M.P.E.P. § 2136.03.

In addition, Applicants submit that the Examiner has not established a *prima facie* of obviousness, as the Examiner has not provided any particular motivation to combine Murdoch or Wantanabe *et al.* with Kuznetsov *et al.* (U.S. Patent No. 6,719,499) or Kuznetsov *et al.* (U.S. Patent No. 6,329,304) to form a thermal treatment installation/ring combination in the particular manner claimed by Applicants. *See, e.g., In re Kotzab*, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000) (emphasis added) (to establish obviousness, there must be a “finding as to the *specific* understanding principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of [the] invention to make the combination in the manner claimed.”). (emphasis added).

Accordingly, Applicants submit that the pending claims are allowable over the art of record. Applicants have not addressed the rejections of all dependent claims as being moot in view of the amendments and remarks herein. However, Applicants expressly do not acquiesce in the Examiner’s findings not addressed herein. Indeed, Applicants submit that the dependent claims not addressed herein recite further novel and non-obvious features of particular utility.

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CONCLUSIONS

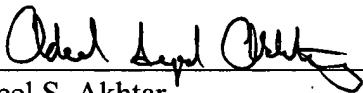
In view of the foregoing amendments and remarks, Applicants request entry of the amendments and submit that the application is in condition for allowance and respectfully request the same. If some issue remains which the Examiner feels may be addressed by Examiner's amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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